

State Intellectual Property Office of People's Republic of China

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Applicant(s)	KYOCERA CORPORATION	Issuing Date: June 11, 2004
Patent Agent(s)	Ruifeng CHEN	
Application No.	03148722.X	
Title of Invention	Portable Terminal and Announcement Method thereof	

THE FIRST OFFICE ACTION

1. ☒ The applicant has filed a request for substantive examination on _____ (day/month/year). The examiner has proceeded the substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to proceed a substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant claimed:
- the filing date 2002.6.26 in the Japan Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date.
- ☒ The applicant has provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed.
- ☐ The applicant has not provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed and the priority claim(s) is/are deemed not to have been made in accordance with the provisions of Article 30 of the Chinese Patent Law.
3. ☐ The applicant submitted amendment (s) to the application on _____ and on _____, wherein the amendment (s) submitted on _____ and _____ on _____ are unacceptable, because said amendment(s) is/are not in conformity with
- ☐ the provisions of Article 33 of the Chinese Patent Law:
- ☐ the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- The detailed reasons for the amendments being unacceptable is described in the text of this Office Action.
4. ☒ The examination is proceeded based on the application documents originally filed.
- ☐ Description:
- Pages _____ of original application documents filed on the application date,
- Pages _____ filed on; Pages _____ filed on;
- Pages _____ filed on; Pages _____ filed on;

☐ Claims:

Pages _____ of original application documents filed don the application date,

Pages _____ filed on; Pages _____ filed on;

Pages _____ filed on; Pages _____ filed on;

☐ Drawings:

Pages _____ of original application documents filed don the application date,

Pages _____ filed on; Pages _____ filed on;

Pages _____ filed on; Pages _____ filed on;

☐ Abstract: ☐ Filed on the application date; ☐ filed on _____

☐ Drawing to the Abstract: ☐ Filed on the application date; ☐ filed on _____

5. ☐ This Notification is issued without a search having been conducted.

☒ This Notification is issued with a search having been conducted.

☒ The following reference documents have been cited in this office action(their serial numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document(Number or Title)	Publication Date (or Filing date of interference patent applications)
1	JP1031265A	03day 02 month 1998 year
2		day month year
3		day month year
4		day month year

6. The conclusive opinion of the examiner is as follows:

☐ Description:

☐ The subject matter of the application falls into the scope, on which no patent right shall be granted, defined by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Rule 18 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

☐ Claim _____ falls into the scope, on which no granted patent right shall be granted, provided by Article 25 of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the definition of invention prescribed by Rule 2(1) of the Implementing Regulations of the Chinese Patent Law.

☐ Claim _____ does not possess novelty provided by Article 22(2) of the Chinese Patent Law.

☒ Claim 1-4,6-10,12-16 does not possess inventiveness provided by Article 22(3) of the Chinese Patent Law.

☐ Claim _____ does not possess practical applicability provided by Article 22(4) of the

Chinese Patent Law.

- ☐ Claim _____ is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.
- ☒ Claim 5.11 is not in conformity with the provisions of Rule 20 to 23 of the Implementing Regulations of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.
- ☐ Claim _____ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.

The detailed analysis for above conclusive opinion is described in the text of this office action.

7. On the basis of the above conclusive opinion, the examiner holds that:
- ☐ The applicant should make amendment in accordance with the requirements described in the text of this office action.
 - ☐ The applicant should expound reasons for that the above mentioned patent application can be granted patent right, and make amendments to the specification which is not in conformity with the provisions as described in the text of this office action; otherwise the patent right shall not be granted.
 - ☒ The patent application does not possess any substantive contents for which patent right may be granted, if the applicant fails to expound reasons or the reasons expounded are not sufficient, this application will be rejected.
 - ☐
8. The applicant shall pay attention to the following matters:
- (1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within four months from the date of receiving this office action. If the applicant fails to meet the time limit without any justified reason, the application shall be deemed to have been withdrawn.
 - (2) The amendment made by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law. The amendment shall be submitted in duplicate copies and in a format which is in accordance with the relevant provisions of the Examination Manual.
 - (3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office. The documents which are not mailed or submitted to the Receiving Department do not possess legal effect.
 - (4) The applicant and/or his(its) agent shall not come to the Chinese Patent Office to interview with the examiner without an appointment.
9. The text of this office action consists of a total of 5 sheets, and is accompanied by the following annexes:
- ☒ A copy of the cited reference documents consisting of 1 sets and 3 sheets.
 - ☐ The 3-4 Examination Department
- The Seal of the Examiner: Yong ZHOU

First Office Action

This invention relates to a portable terminal and the announcement method thereof.

The Examiner is of the opinions as follows:

1. Claim 1 is rejected under Article 22(3) of the Chinese Patent Law.

Reference 1 (JP1031265A) discloses a device preventing taking others' photograph secretly, and particularly discloses that a control signal is sent to a video-capturing section after a video capturing instruction signal is received, then a warning signal is produced to notice the persons who are being photographed (refer to line 9, column 1 to line 49, column 2, Figs. 1 and 2).

The difference between the present claim and Reference 1 is in that the present claim is applied to a portable terminal comprising an image-capturing section, and output an announcement sound when the terminal is changed into a photograph mode. The aims of the present claim and Reference 1 are both to notice the persons to be photographed that he will be photographed. Therefore, it is easy to obtain the technical solution of the present claim by applying the technical solution of Reference 1 to the field of the present invention without paying any inventive labor. Consequently, Claim 1 is lack of inventiveness.

Article 22(3) of the Chinese Patent Law: Inventiveness means that, as compared with the technology existing before the date of filing the invention has prominent substantive features and represents a notable progress and that the utility model has substantive features and represents progress.

2. Claim 2 is rejected under Article 22(3) of the Chinese Patent Law.

The additional technical feature of Dependent Claim 2 is that: the predetermined announcement sound is output each time a fixed period of time has elapsed in the camera mode. To those skilled in the art, it is a common method to output a notice sound when the time period during which the terminal is in a certain mode has reached a certain period, and it is apparent to apply the method to the technical solution of the present application, without prominent substantive features or notable progress. Thus, Claim 2 is lack of inventiveness.

3. Claim 3 is rejected under Article 22(3) of the Chinese Patent Law.

The additional technical feature of Dependent Claim 3 is that: the announcement sound is output from a speaker for announcing incoming-calls or an ear speaker,

which is a common-used method for those skilled in the art. Therefore, Claim 3 is lack of inventiveness.

4. Claim 4 is rejected under Article 22(3) of the Chinese Patent Law.

The additional technical feature of Dependent Claim 4 is that: the announcement sound is not output while recording an image captured by the image-capturing section. In the prior art, a video camera does not output an announcement sound in general while recording the video captured. Therefore, the addition technical feature of the claim is a well-known knowledge of this field. Thus, Claim 4 is lack of inventiveness.

5. Claim 5 does not comply with the requirements of Rule 20(1) of the Implementing Regulations of the Chinese Patent Law.

The additional technical feature of Dependent Claim 5 is that: the announcement sound is output only in a case where the illuminance around the portable terminal is less than a predetermined brightness. But in Claim 1 to which it refers, it is recorded that output the predetermined announcement sound when the portable terminal has been changed to the camera mode. Therefore, Claim 5 does not consist with Claim 1 so as to result in the unclearness of the claim, which does not comply with the requirements of Rule 20(1) of the Implementing Regulations of the Chinese Patent Law.

Rule 20(1) of the Implementing Regulations of the Chinese Patent Law: The claims shall define clearly and concisely the matter for which protection is sought in terms of the technical features of the invention or utility model.

6. Claim 6 is rejected under Article 22(3) of the Chinese Patent Law.

Reference 1 (JP1031265A) discloses a device preventing taking others' photograph secretly, and particularly discloses that a control signal is sent to a video-capturing section after a video capturing instruction signal is received, then a warning signal is produced to notice the persons who are being photographed (refer to line 9, column 1 to line 49, column 2, Figs. 1 and 2).

Although the present application is used in a portable terminal, it is used to photograph and prevent secret photographing too. The aims and the technical means employed are all the same with Reference 1 to notice the persons to be photographed with sounds. Therefore, to those skilled in the art, it is easy to get some teaching from Reference 1 so as to obtain the technical solution of the present claim. Consequently, Claim 6 is lack of inventiveness.

7. Claim 7 is rejected under Article 22(3) of the Chinese Patent Law.

Claim 7 records a portable terminal, and as a portable terminal with the function of photographing, it definitely comprises an image-capturing section, a selecting section which selects a camera mode for using the image-capturing section, and a sounding body. Reference 1 (JP1031265A) discloses a device preventing taking others' photograph secretly, in which a remote control signal receiving section included therein achieves the function of receiving a remote control signal, then outputting a shutter control signal to a camera section, and at the same time, outputting a warning sound volume control signal to a warning sound generation section (refer to line 9, column 1 to line 49, column 2, Figs. 1 and 2). Hence, it corresponds to the control section of the present claim. A portable terminal with the function of photographing is well-known by those skilled in the art, and by the teaching of Reference 1, the technical contents of Reference 1 is applied to a portable terminal so as to obtain the technical solution of the present claim, which is apparent to those skilled in the art. Consequently, Claim 7 is lack of inventiveness.

8. Claim 8 is rejected under Article 22(3) of the Chinese Patent Law.

The timing section recorded in Claim 8 outputs a signal each time a fixed period of time elapses after it was detected that the selection section has selected the camera mode. To those skilled in the art, it is a common method to output a notice sound when the time period during which the terminal is in a certain mode has reached a certain period, so having a timer in the terminal is a common technical means for achieving such a function. Thus, the claim does not have prominent substantive features and represents no notable progress. Consequently, Claim 8 is lack of inventiveness.

9. Claim 9 is rejected under Article 22(3) of the Chinese Patent Law.

In which, it is recorded that the sounding body comprises a speaker or an ear speaker, which is a common knowledge in the art, and consequently, Claim 9 is lack of inventiveness.

10. Claim 10 is rejected under Article 22(3) of the Chinese Patent Law.

In Claim 10, it is recorded that a recording section which records an image input via image-capturing section, wherein the control section judges whether the recording section is recording an image, and controls the sounding body so as not to output the predetermined announcement sound while the recording section is recording. To a portable terminal capable to capture image, it is apparent to have a recording section, and in the prior art, when the captured image is being recorded, in general, no sound is produced. Therefore, the additional technical feature of the present claim is the well-known knowledge of the art, and Claim 10 is lack of inventiveness.

11. Claim 11 does not comply with the requirements of Rule 20(1) of the

Implementing Regulations of the Chinese Patent Law.

The additional technical feature of Dependent Claim 11 is that: the announcement sound is output only in a case where the illuminance around the portable terminal is less than a predetermined brightness. But in Claim 7 to which it refers, it is recorded that output the predetermined announcement sound when the portable terminal has been changed to the camera mode. Therefore, Claim 11 does not consist with Claim 7 so as to result in the unclearness of the claim, which does not comply with the requirements of Rule 20(1) of the Implementing Regulations of the Chinese Patent Law.

12. Claim 12 is rejected under Article 22(3) of the Chinese Patent Law.

Claim 12 records a portable terminal, and as a portable terminal with the function of photographing, it definitely comprises an image-capturing section, a selecting section which selects a camera mode for using the image-capturing section, a sounding body, and an image-capturing button for operating image-capturing. Reference 1 (JP1031265A) discloses a device preventing taking others' photograph secretly, in which a remote control signal receiving section included therein achieves the function of receiving a remote control signal, then outputting a shutter control signal to a camera section, and at the same time, outputting a warning sound volume control signal to a warning sound generation section (refer to line 9, column 1 to line 49, column 2, Figs. 1 and 2). Hence, it corresponds to the control section of the present claim. A portable terminal with the function of photographing is well-known by those skilled in the art, and by the teaching of Reference 1, the technical contents of Reference 1 is applied to a portable terminal so as to obtain the technical solution of the present claim, which is apparent to those skilled in the art. Consequently, Claim 7 is lack of inventiveness.

13. Claims 13 and 14 are rejected under Article 22(3) of the Chinese Patent Law.

The additional technical features of Dependent Claims 13 and 14 are that: the output level of the predetermined announcement sound is restricted to a fixed output level. It is apparent to those skilled in the art, and thus the Claims 13 and 14 do not have prominent substantive features and represent no notable progress. Therefore, Claims 13 and 14 are lack of inventiveness.

14. Claims 15 and 16 are rejected under Article 22(3) of the Chinese Patent Law.

The additional technical features of Dependent Claims 15 and 16 are that: the predetermined announcement sound, or an announcement sound notifying that an image has been captured, is output when the image-capturing button is fully pressed just after being half-pressed. It does not have substantial contribution to the invention, the sound is substantially output when the image is captured. Consequently, Claims 15

and 16 are lack of inventiveness when the claims to which they refer are lack of inventiveness.

Due to the reasons mentioned above, this application could not be granted a patent at present. The applicant should submit the amended claims and should make a corresponding amendment to the summary of the description. The applicant should overcome all the defects mentioned above. If the applicant could not propose the convictive reasons on the due date and do not make modification on its application document, or it still contains above defects after the modification, the application would be rejected. Moreover, it should be noted that the amendment to the application may not go beyond the scope of the disclosure contained in the initial description and claims. Otherwise, the application would be rejected.



中华人民共和国国家知识产权局

邮政编码: 100083

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中科专利商标代理有限责任公司

陈瑞丰

申请号: 03148722.X

发文日期:



申请人:

京瓷株式会社

发明名称:

便携式终端及其通知方法

第一次审查意见通知书

1. ☒ 依申请人提出的实审请求, 根据专利法第35条第1款的规定, 审查员对上述发明专利申请进行实质审查。

☐ 根据专利法第35条第2款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人要求以在:

JP 专利局的申请日 2002年6月26日 为优先权日,

专利局的申请日 为优先权日,

专利局的申请日 为优先权日,

专利局的申请日 为优先权日,

☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。

☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第30条的规定视为未提出优先权要求。

3. ☐ 申请人于____年__月__日和____年__月__日提交了修改文件。

经审查, 其中: ____年__月__日提交的____不符合实施细则第51条的规定;

____年__月__日提交的____不符合专利法第33条的规定。

4. ☒ 审查是针对原始申请文件进行的。

☐ 审查是针对下述申请文件进行的:

说明书 申请日提交的原始申请文件的第____页;

____年__月__日提交的第____页; ____年__月__日提交的第____页;

____年__月__日提交的第____页; ____年__月__日提交的第____页;

权利要求 申请日提交的原始申请文件的第____项;

____年__月__日提交的第____项; ____年__月__日提交的第____项;

____年__月__日提交的第____项; ____年__月__日提交的第____项;

附图 申请日提交的原始申请文件的第____页;

____年__月__日提交的第____页; ____年__月__日提交的第____页; ..

____年__月__日提交的第____页; ____年__月__日提交的第____页;

说明书摘要 ☐ 申请日提交的; ☐ ____年__月__日提交的;

摘要附图 ☐ 申请日提交的; ☐ ____年__月__日提交的。

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

21301

2002.1



回函请寄: 100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收

(注: 凡寄给审查员个人的信函不具有法律效力)



中华人民共和国国家知识产权局

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	JP1031265A	1998.2.3
2		
3		
4		

6. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
- ☐ 说明书不符合专利法第 33 条的规定。
- ☐ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求____不具备专利法第 22 条第 2 款规定的新颖性。
- ☒ 权利要求 1-4、6-10、12-16 不具备专利法第 22 条第 3 款规定的创造性。
- ☐ 权利要求____不具备专利法第 22 条第 4 款规定的实用性。
- ☐ 权利要求____属于专利法第 25 条规定的不授予专利权的范围。
- ☐ 权利要求____不符合专利法第 26 条第 4 款的规定。
- ☐ 权利要求____不符合专利法第 31 条第 1 款的规定。
- ☐ 权利要求____不符合专利法第 33 条的规定。
- ☐ 权利要求____不符合实施细则第 2 条第 1 款关于发明的定义。
- ☐ 权利要求____不符合实施细则第 13 条第 1 款的规定。
- ☒ 权利要求 5、11 不符合实施细则第 20 条至第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☐ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☒ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。
- ☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 肆 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 5 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 1 份 3 页。 ☐

审查 3 部 4 室

审查员签章: 3412



完成日期: 2004-05-21

21301
2002.1



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)



第一次审查意见通知书正文

申请号：03148722.X

如说明书所述，本申请涉及一种便携式终端及其通知方法。经审查，现提出如下审查意见。

1. 权利要求 1 不具备创造性，不符合专利法第 22 条第 3 款的规定。对比文件（JP1031265A, 公开日 1998.2.3）公开了一种防止偷拍的设备，并具体的公开了在接收到摄影指令信号后向摄像部分发送控制信号，然后产生警告信号，通知被摄像者（参见说明书第 1 栏第 9 行—第 2 栏第 49 行、附图 1、2）。本权利要求与对比文件的不同之处在于本权利要求应用于包括图像捕获部分的便携式终端中和是在终端转换为摄像模式时输出通知声音，本权利要求与对比文件的目的是为了提醒被摄像者注意他将要被摄像，因此完全可以不付出任何创造性的劳动而将对比文件的技术方案用于本权利要求的领域并且由对比文件技术内容的教导得出本权利要求的技术方案，因此，权利要求 1 不具备创造性。

2. 权利要求 2 不具备专利法第 22 条第 3 款所规定的创造性。权利要求 2 所记载的附加技术特征为当摄像机模式过去了固定的时间段时，输出预定的通知声音。对于本领域的技术人员，在终端处于一种模式达到一定时间后输出提示音是一种本领域通常采用的方法，并且将这种技术方式应用于本申请的技术方案中，是显而易见的，不具备突出的实质性特点和显著的进步，因此，权利要求 2 不具备创造性。

3. 权利要求 3 不具备专利法第 22 条第 3 款所规定的创造性。权



权利要求 3 所记载附加技术特征为从用于通知来电的扬声器或耳机输出通知声音，这是本领域的技术人员通常采用的技术手段，因而，该权利要求不具备创造性。

4. 权利要求 4 不具备创造性，不符合专利法第 22 条第 3 款的规定。权利要求 4 中所记载的附加技术特征为当记录由图像捕获部分捕获的图像时，不输出通知声音。在本领域的现有技术中，摄像机在纪录捕获的图像时通常是不发出通知声音的，因此，本权利要求的附加技术特征是本领域的公知常识，本权利要求不具备创造性。

5. 权利要求 5 不符合实施细则第 20 条第 1 款的规定。权利要求 5 中所记载的附加技术特征为在于只在便携式终端周围的亮度低于预定亮度的情况下，输出通知声音。但是在该权利要求引用的权利要求 1 中记载了当转换为摄像机模式时，输出预定的通知声音，因此权利要求 5 与其引用的权利要求 1 不符，造成了权利要求不清楚，不符合实施细则第 20 条第 1 款的规定。

6. 权利要求 6 不具备专利法第 22 条第 3 款所规定的创造性。对比文件（JP1031265A, 公开日 1998.2.3）公开了一种防止偷拍的设备，并具体的公开了在接收到摄影指令信号后向摄像部分发送控制信号，然后产生警告信号，通知被摄像者（参见说明书第 1 栏第 9 行—第 2 栏第 49 行、附图 1、2）。虽然本申请是用于便携式终端中，但也是用于摄像及防偷拍，与对比文件要达到的目的以及采用的手段相同，都是通过声音提示被拍摄人。因此本领域的技术人员可以轻而易举的从对比文件的技术方案中得到教导，从而得到本权利要求的技术方案。因此，本权利要求不具备创造性。

7. 权利要求 7 不具备专利法第 22 条第 3 款所规定的创造性。权利要求 7 记载了一种便携式终端，作为一种具有摄像功能的便携式



终端，其必然包括图像捕获部分；选择部分，选择利用图像捕获部分的摄像机模式；发声体。对比文件（JP1031265A，公开日 1998.2.3）公开了一种防止偷拍的设备，其中包括的远程控制信号接收部分完成的功能为接收远程控制信号，然后向照相机部分输出快门控制信号，同时向警告声音发生部分输出警告音控制信号（参见说明书第 1 栏第 9 行—第 2 栏第 49 行、附图 1、2）。因此，相当于本权利要求中的控制部分。具有摄像功能的便携式终端是本领域中的公知常识，并且通过对比文件的教导，将对比文件的技术内容应用于便携式终端中而得到本权利要求的技术方案，对本领域技术人员来说是显而易见的，因此，本权利要求不具备创造性。

8. 权利要求 8 不具备专利法第 22 条第 3 款所规定的创造性。权利要求 8 中记载的定时部分，当选择了摄像机模式后过去固定的时间段时，输出信号控制发生。但对于本领域的技术人员，在终端处于一种模式达到一定时间后输出提示音是一种本领域通常采用的方法，因此，终端中具有定时器也是完成此功能所采取的常规的技术手段。所以，该权利要求不具备突出的实质性特点和显著的进步，因此，权利要求 8 不具备创造性。

9. 权利要求 9 不具备专利法第 22 条第 3 款所规定的创造性。中记载了发声体包括扬声器和耳机，在本领域中发声体包括扬声器和耳机是显而易见的公知常识，因此，该权利要求不具备创造性。

10. 权利要求 10 不具备创造性，不符合专利法第 22 条第 3 款的规定。权利要求 10 中记载了记录部分，记录通过图像捕获部分输入的图像，其中，控制部分判断记录部分是否正在记录图像，并控制发声体，从而当记录部分正在记录时，不输出预定的通知声音。对于一个可以捕获图像的便携式终端，具有记录部分是显而易见的，



并且在现有技术中在记录捕获的图像时，通常时部发出通知声音的，因此，该权利要求的附加技术特征为本领域的公知常识，该权利要求不具备创造性。

11. 权利要求 11 不符合实施细则第 20 条第 1 款的规定。权利要求 11 的附加技术特征记载了包括测量部分，用于测量周围光线的亮度，只有当测量部分测量的光低于预定的亮度时，控制部分才允许发声体输出预定的通知声音。但是在其引用的权利要求 7 中记载了当选择摄像机模式时，控制部分就控制发声体输出预定的通知声音。权利要求 11 与权利要求 7 记载的技术内容矛盾，因此，造成该权利要求不清楚，不符合实施细则第 20 条第 1 款的规定。

12. 权利要求 12 不具备专利法第 22 条第 3 款所规定的创造性。权利要求 12 中记载了一种便携式终端，作为一种具有摄像功能的便携式终端，其必然包括图像捕获部分；选择部分，选择利用图像捕获部分的摄像机模式；发声体；图像捕获按钮，用于操作图像捕获。对比文件（JP1031265A, 公开日 1998.2.3）公开了一种防止偷拍的设备，其中包括的远程控制信号接收部分完成的功能为接收远程控制信号，然后向照相机部分输出快门控制信号，同时向警告声音发生部分输出警告音控制信号（参见说明书第 1 栏第 9 行—第 2 栏第 49 行、附图 1、2）。因此，相当于本权利要求中的控制部分。具有摄像功能的便携式终端是本领域中的公知常识，并且通过对比文件的教导，将对比文件的技术内容应用于便携式终端中而得到本权利要求的技术方案，对本领域技术人员来说是显而易见的，因此，本权利要求不具备创造性。

13. 权利要求 13、14 不具备专利法第 22 条第 3 款所规定的创造性。权利要求 13、14 记载的附加技术特征为将预定的通知声音的输



出电平限制在固定的输出电平。这对于本领域技术人员来说是显而易见的，不具备突出的实质性特点和显著的进步，并且由于权利要求 13、14 引用的权利要求不具备创造性，因此，权利要求 13、14 也不具备创造性。

14. 权利要求 15、16 不具备专利法第 22 条第 3 款所规定的创造性。权利要求 15、16 的附加技术特征记载了在于当刚好在按下去一半之后就完全按下图像捕获按钮时，输出通知声音。其所述的按下一半后，再完全按下图像捕获按钮并没有对本发明产生实质上的贡献，其实质上就是在图像捕获时输出通知声音，因此，权利要求 15、16 在其引用的权利要求不具备创造性的情况下也不具备专利法第 22 条第 3 款所规定的创造性。

基于上述理由，本申请不能被授予专利权，而且本申请的说明书中也没有记载其它任何可获得专利权的实质性内容，因而即使对申请文件进行修改，本申请也不具备被授予专利权的前景。如果申请人不能在本通知书规定的答复期限内提出具有说服力的理由，本申请将被驳回。

通信发明审查部

2004 年 5 月 21 日

